

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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AMPEX CORPORATION, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
v.                     ) C.A. No. 04-1373 (KAJ)  
                        )  
                        )  
EASTMAN KODAK COMPANY, ) PUBLIC VERSION  
ALTEK CORPORATION, and )  
CHINON INDUSTRIES, INC., )  
                        )  
                        )  
Defendants.          )  
                        )

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**SUPPLEMENTAL DECLARATION OF RAY R. ZADO IN SUPPORT OF  
AMPEX CORPORATION'S MOTION FOR SUMMARY JUDGMENT THAT U.S.  
PATENT NO. 4,821,121 IS NOT UNENFORCEABLE DUE TO  
ALLEGED INEQUITABLE CONDUCT FOR FAILURE TO DISCLOSE  
THE QUANTEL DLS6000, QUANTEL PAINTBOX, OR AMPEX AVA SYSTEMS**

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*Attorneys for Plaintiff Ampex Corporation*

Original Filing Date: June 20, 2006  
Redacted Filing Date: June 27, 2006

I, Ray R. Zado, declare:

1. I am a member of the bar of the State of California, and an associate with the firm of Ropes & Gray, 525 University Avenue, Suite 300, Palo Alto, California, counsel to Complainant Ampex Corporation ("Ampex") in this investigation.

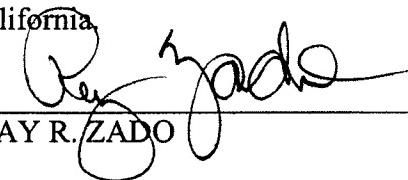
2. I make this supplemental declaration in support of Ampex Corporation's Motion For Summary Judgment That U.S. Patent No. 4,821,121 Is Not Unenforceable Due To Alleged Inequitable Conduct For Failure to Disclose the Quantel DLS6000, Quantel Paintbox, or Ampex Ava Systems. Unless specifically indicated otherwise, this Declaration is made based on personal knowledge.

3. Attached hereto as Exhibit 26 is a true and correct copy of selected pages from the transcript of the Deposition of Richard J. Taylor, taken in ITC Investigation No. 337-TA-527 on June 6-7, 2005.

4. Attached hereto as Exhibit 27 are true and correct copies of selected pages from the Deposition of Richard J. Taylor, taken in this action on April 28, 2006.

5. Attached hereto as Exhibit 28 are true and correct copies of selected pages from the Deposition of Alan Cavallerano, taken in this action on May 3, 2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of June, 2006, at Palo Alto, California.



---

RAY R. ZADO

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on June 20, 2006, I caused to be electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Collins J. Seitz, Jr., Esquire  
Jaclyn Mason, Esquire  
Connolly, Bove, Lodge & Hutz LLP

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# **EXHIBIT 26**

**SEALED DOCUMENT**

# **EXHIBIT 27**

VOLUME: I

PAGES: 1-146

EXHIBITS: 40-52

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

----- x  
AMPEX CORPORATION,

Plaintiff,

v.

Civil Action

EASTMAN KODAK COMPANY, ALTEK

No. 04-1373-KAJ

CORPORATION and CHINON

INDUSTRIES, INC.,

Defendants.

----- x  
**CERTIFIED COPY**

VIDEOTAPED DEPOSITION of RICHARD J. TAYLOR

April 28, 2006

9:38 a.m.

Ropes & Gray LLP

One International Place

Boston, Massachusetts

Reporter: Michael D. O'Connor, RPR



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RICHARD J. TAYLOR April 28, 2006

03:26:51 1 A. Yes, it does.

03:26:59 2 Q. On Paragraph 146, on Page 48 you state

03:27:08 3 that, "The 6030 could receive full-sized video

03:27:12 4 images from an external source, such as a television

03:27:16 5 broadcast or video camera. The input full-sized

03:27:19 6 image was stored in the preview" --

03:27:22 7 A. You've completely lost me. What page are

03:27:23 8 we on?

03:27:26 9 Q. Page 48, Paragraph 146.

03:27:29 10 A. Thank you. I was just reading from the

03:27:33 11 last two sentences. "The DLS 6030 could receive

03:27:36 12 full-sized video images from an external source,

03:27:40 13 such as a television broadcast or a video camera.

03:27:43 14 The input full-sized image was stored in the preview

03:27:47 15 frame store for display."

03:27:50 16 That's also shown in the Taylor patent,

03:27:52 17 right, the '776 patent? For example, Figure 1, Item

03:28:28 18 12, is a camera, which is an external source, right?

03:28:47 19 A. Item 12 is a camera; that's correct. I was

03:28:52 20 just pondering the sentence, the input which you

03:28:59 21 also read, which was "The input full-sized image was

03:29:02 22 stored in preview frame store for display." I would

03:29:09 23 add the caveat that I have in previous answers, that

03:29:11 24 the arrangement of Figure 19 is different to the

RICHARD J. TAYLOR April 28, 2006

03:29:15 1 6030.

03:29:20 2 Q. Then in Paragraph 147 you talk about random

03:29:25 3 access memory with an input port and an output port.

03:29:31 4 Is it correct that the random access memories that

03:29:33 5 are discussed in the '776 patent have an input port

03:29:37 6 and an output port?

03:30:21 7 A. Yes.

03:30:23 8 Q. Paragraph 148, again, talks about a disk

03:30:27 9 storage, and you agree that the '776 discloses a

03:30:32 10 disk storage to store video image data; is that

03:30:37 11 right?

03:30:37 12 A. Yes.

03:30:39 13 Q. Paragraph 149 talks about storing a

03:30:44 14 full-sized image in random access memory. That is

03:30:52 15 shown and disclosed in the '776 patent, correct?

03:31:09 16 A. Yes.

03:31:10 17 Q. On Paragraph 150, it then talks about

03:31:13 18 storing the full-sized image on disk, and that

03:31:16 19 capability is disclosed in the '776 patent, correct?

03:31:28 20 A. Yes.

03:31:28 21 Q. Now, in Paragraph 151, there's a discussion

03:31:36 22 about the meaning of selectively generating, and you

03:31:38 23 go on to say that the size reducer and the DLS 6030

03:31:43 24 could create a reduced sized lower resolution image

# **EXHIBIT 28**

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1

2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF DELAWARE

4 -----x

5 AMPEX CORPORATION,

6 Plaintiff,

7 -against- C.A. No.  
8 04-1371-KAJ

9 EASTMAN KODAK COMPANY, ALTEK  
CORPORATION and CHINON INDUSTRIES,  
INC.,

10 Defendants.

11 -----x

12 May 3, 2006  
13 9:08 a.m.

14 Videotaped Deposition of ALAN  
15 CAVALLERANO, taken by Defendants,  
16 pursuant to Notice, at the offices of  
17 Wilmer Cutler Pickering Hale and Dorr  
18 LLP, 399 Park Avenue, New York, New  
19 York, before ERIC J. FINZ, a Shorthand  
20 Reporter and Notary Public within and  
21 for the State of New York.

22

23

24

25

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02:47 1 ALAN CAVALLERANO  
2:02:51 2 column 4, lines 45 to 49.  
2:02:53 3 MR. BEAMER: You are on the  
2:02:54 4 '776 patent?  
2:03:01 5 THE WITNESS: Yes.  
2:03:04 6 Q. Is it your expert opinion  
2:03:09 7 that the '776 patent, column 4,  
2:03:12 8 discloses the browse of reduced size  
2:03:13 9 images?  
2:03:14 10 A. Yes. Actually I was going  
2:03:17 11 to point us to several locations. For  
2:03:20 12 example, column 3, lines roughly --  
^ 03:24 13 actually 54 -- excuse me, 55 even says  
2:03:31 14 "this browse facility," it's talking  
2:03:34 15 about polyphoto formats. And in column  
2:03:47 16 4, lines 45 to 49. I'm sorry, I would  
2:03:49 17 like to just correct myself on the  
2:03:52 18 lines 45 to 49. I'll stick with the  
2:03:55 19 column 3 citing.  
2:03:57 20 Q. And is it your expert  
2:03:59 21 opinion that what you've referenced in  
2:04:02 22 column 3 discloses the browse of  
2:04:04 23 reduced size images?  
2:04:07 24 A. This in conjunction with my  
25 reading of the patent. Because if we

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)04:13 1 ALAN CAVALLERANO  
2:04:16 2 look earlier on in column 3, line 39,  
2:04:18 3 it says "the contents of the disk store  
2:04:20 4 may hold several hundred separate  
2:04:22 5 pictures and the problem of examining  
2:04:25 6 the contents of this store in order to  
2:04:30 7 find a picture you need exists." Then  
2:04:32 8 down further to my citing about the  
2:04:34 9 browse facility with polyphoto format,  
2:04:41 10 a polyphoto format would, it's a total  
2:04:43 11 of 64 miniature pictures.

2:04:47 12 So it is a browse of images  
2:04:51 13 that have been reduced in size and put  
) 14 into like a montage. So I have to be  
2:04:56 15 explicit that it is browsing smaller  
2:05:02 16 versions of the full size images that  
2:05:05 17 are within the machine.

2:05:10 18 Q. Okay. Is it your expert  
2:05:16 19 opinion that the '776 patent discloses  
2:05:19 20 the browse of reduced size images that  
2:05:21 21 have been stored on disk?

2:05:22 22 A. That's my understanding from  
2:05:25 23 reading the patent, yes.

2:05:27 24 Q. If the '776 patent  
25 discloses the browse of reduced size

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05:30 1 ALAN CAVALLERANO  
2:05:34 2 images that have been stored on disk,  
2:05:37 3 what is the invention of the '121  
2:05:37 4 patent?

2:05:39 5 A. The invention is the method  
2:05:43 6 of generating these reduced size images  
2:05:48 7 that are put on the disk and read from  
2:05:55 8 the disk in reduced form, rather than  
2:05:59 9 generating them, like in the '776,  
2:06:03 10 where all that's being done is the  
2:06:11 11 images are stored as a polyphoto. And  
2:06:15 12 then retrieved that way. So one needs  
^ 06:21 13 to create this polyphoto for the  
2:06:21 14 browse.

2:06:23 15 The browse is not described  
2:06:30 16 to be generated by storing the reduced  
2:06:35 17 size images first. They are either  
2:06:40 18 read out from the disk and reduced in  
2:06:44 19 size sort of on the fly, or if  
2:06:49 20 something, we do know in figure 19, the  
2:06:52 21 size reducer is interposed from the  
2:06:54 22 frame store to the disk store. So even  
2:06:57 23 that concept is there. But in terms of  
2:07:01 24 a total method, that is not described  
25 in the '776.

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